



1995 ASSEMBLY BILL 109

February 8, 1995 - Introduced by Representatives OURADA, JOHNSRUD, ALBERS, BALDUS, OTT, HUBER, DUFF, HANDRICK, SERATTI, HARS DORF, WARD, BAUMGART, AINSWORTH, GOETSCH, HAHN, HASENOHRL, SILBAUGH, ZUKOWSKI, SCHNEIDERS, TURNER, DOBYNS, OTTE, LADWIG, RYBA, URBAN, BELL, LEHMAN, VRAKAS, GREEN, LAZICH and KLUSMAN, cosponsored by Senators RUDE, PANZER, COWLES, SCHULTZ, ANDREA, HUELSMAN, PLEWA, DRZEWIECKI, LEEAN, BUETTNER, FITZGERALD and PETAK. Referred to Committee on Insurance, Securities and Corporate Policy.

1 **AN ACT to amend** 166.215 (1), 895.483 (title) and 895.483 (1); and **to create**
2 895.483 (3) of the statutes; **relating to:** creating immunity from civil liability
3 for local agencies that sponsor regional or county emergency response teams.

Analysis by the Legislative Reference Bureau

Under current law, regional and county emergency response teams and the members of those teams are immune from civil liability for acts or omissions related to carrying out their responsibilities under a contract with the state emergency response board. This bill creates civil immunity for the related acts and omissions of the local agency or emergency planning committee that contracted with the state emergency response board for the provision of the regional or county emergency response teams.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 166.215 (1) of the statutes is amended to read:
5 166.215 (1) The board shall contract with no fewer than 7 and no more than 11
6 regional emergency response teams, each of which will assist in the emergency
7 response to level A releases in a region of this state designated by the board. The
8 board shall contract with at least one regional emergency response team in each area

1 designated under s. 166.03 (2) (b) 1. The board may only contract with public
2 organizations a local agency, as defined in s. 166.22 (1) (c), under this subsection. A
3 member of a regional emergency response team shall meet the standards for a
4 hazardous materials specialist in 29 CFR 1910.120 (q) (6) (iv) and national fire
5 protection association standards NFPA 471 and 472. A contract under this
6 subsection may provide for payments to the regional emergency response team in
7 addition to the reimbursement provided in sub. (2).

8 **SECTION 2.** 895.483 (title) of the statutes is amended to read:

9 **895.483 (title) Civil liability exemption; regional and county**
10 **emergency response team teams and their sponsoring agencies.**

11 **SECTION 3.** 895.483 (1) of the statutes is amended to read:

12 895.483 (1) A regional emergency response team and, a member of such a team,
13 and a local agency, as defined in s. 166.22 (1) (c), that contracts with the state
14 emergency response board for the provision of a regional emergency response team,
15 are immune from civil liability for acts or omissions related to carrying out
16 responsibilities under a contract under s. 166.215 (1).

17 **SECTION 4.** 895.483 (3) of the statutes is created to read:

18 895.483 (3) A local emergency planning committee created under s. 59.07 (146)
19 (a) 1. that receives a grant under s. 166.21 is immune from civil liability for acts or
20 omissions related to carrying out responsibilities under s. 166.21.

21 **SECTION 5. Initial applicability.**

22 (1) This act first applies to acts or omissions committed on the effective date
23 of this subsection.

24 (END)